

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON TRANSPORTATION**

**Seventy-Seventh Session  
February 19, 2013**

The Committee on Transportation was called to order by Chairman Richard Carrillo at 3:19 p.m. on Tuesday, February 19, 2013, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [nelis.leg.state.nv.us/77th2013](http://nelis.leg.state.nv.us/77th2013). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Richard Carrillo, Chairman  
Assemblyman Joseph M. Hogan, Vice Chairman  
Assemblyman Paul Anderson  
Assemblyman David P. Bobzien  
Assemblywoman Maggie Carlton  
Assemblywoman Lucy Flores  
Assemblyman John Hambrick  
Assemblyman Cresent Hardy  
Assemblyman James W. Healey  
Assemblywoman Ellen B. Spiegel  
Assemblyman Michael Sprinkle  
Assemblywoman Heidi Swank  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Steven Brooks (excused)  
Assemblywoman Melissa Woodbury (excused)



**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Vance Hughey, Committee Policy Analyst  
Scott McKenna, Committee Counsel  
Jacque Lethbridge, Committee Secretary  
James Fonda, Committee Secretary  
Olivia Lloyd, Committee Assistant

**OTHERS PRESENT:**

Tom Greco, P.E., F.ASCE, Assistant Director, Planning, Department of Transportation  
Jeff Fontaine, Executive Director, Nevada Association of Counties  
Wes Henderson, Executive Director, Nevada League of Cities and Municipalities  
Chuck Reider, P.E., Chief Safety Engineer, Safety Engineering Division – C816, Department of Transportation  
Chuck Callaway, representing Las Vegas Metropolitan Police Department  
Eric Spratley, representing Washoe County Sheriff's Office  
Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association  
Mark C. Wenzel, representing the Nevada Justice Association  
Lisa Foster, representing Allstate Corporation and American Family Insurance Co.  
Robert L. Compan, representing Farmers Group, Inc.  
Tom Lawson, Lieutenant, Headquarters, Nevada Highway Patrol  
Traci Pearl, CPM, Division Administrator, Nevada Department of Public Safety

**Chairman Carrillo:**

[Roll was taken. Committee protocol and rules were explained. Chairman Carrillo read Rule No. 54, Testimony, Witnesses and Exhibits, from the "Excerpts of the Assembly Standing Rules, 77th Session (2013)".] We will open the hearing on Assembly Bill 18.

**Assembly Bill 18:** Revises provisions governing the relinquishment of state highways to local governments and the relinquishment of local roads to the Department of Transportation. (BDR 35-363)

**Tom Greco, P.E., F.ASCE, Assistant Director, Planning, Department of Transportation:**

With me today is Sean Sever, Communications Director, Department of Transportation. Assembly Bill 18 is about roadway relinquishments. We have offered to you documents of the present bill, an amendment to A.B. 18 ([Exhibit C](#)), maps of the desired relinquishment roadways ([Exhibit D](#)), and a chart of Pending Relinquishments State to Local by District and Entity ([Exhibit E](#)).

**Chairman Carrillo:**

Mr. Greco, could we go over the bill in its entirety first, before we go over the amendment?

**Tom Greco:**

Assembly Bill 18 deals with the Nevada Department of Transportation (NDOT) relinquishing state highways to local governments. The bill draft request (BDR) adds language that will authorize the relinquishment of local roads to NDOT. The language in section 1, subsection 2, is new in its entirety and adds language allowing local agencies to relinquish a roadway to the state. Section 1, subsection 7, adds language allowing the board of a local agency to accept an offer of relinquishment from the state as either a trade or after equitable compensation. Section 1, subsection 8, states that if the county or city accepts a relinquished road from the state and the road is not equal in value, worth, or maintenance an equitable compensation may be negotiated. If that agreement is not reached, then the relinquishment does not move ahead. Section 1, subsection 9, also talks about relinquished or traded roadways between the state and local agency. Each road offered for relinquishment must be in good repair or an offer of equitable monetary compensation or trade consideration may take place. Absent any of that equity, or for any other reason, the local agency has the right and ability not to accept any relinquishment. It has been, is, and will be a bilateral process.

**Assemblyman Sprinkle:**

What are some of the situations in which a road would be relinquished?

**Tom Greco:**

State and interstate roadway systems are defined by specific definition of roadways functioning as a primary travel demand facility such as freeways, major arterials, links between cities, links between residential and commercial

areas, and links to airports. When that functionality is reduced, the usefulness and the benefit is different. It may be a benefit for the city to own and operate that roadway. It gives the city the authority to deal with that road, access, and driveways.

**Assemblywoman Swank:**

Some of these relinquishments could be toll roads. Who maintains toll roads? Where does the money go? Is the money used for the toll road themselves?

**Tom Greco:**

Toll roads are entirely independent. If a roadway were relinquished to a local agency, their need and desire to develop that as a toll road would be their decision. If a local road had escalated by volumes, speeds, and access standards and was now eligible to become a state road, the question of whether it would be evaluated as a toll road really is not meant to be part of the relinquishment process. Another bill draft deals with just toll road issues. I can do more research and provide you with additional information.

**Assemblyman Anderson:**

Are the roads on the Las Vegas maps ones that counties and cities want to relinquish or are these roads the state would like them to relinquish?

**Tom Greco:**

They are actually both. The red lines are roads that are owned by the state that we believe would be better if owned by the local agency. Those in blue are owned by the local agency. We believe they have elevated to the level of needing to join the state system.

**Assemblyman Anderson:**

Tropicana used to be part of a highway system and is still maintained by the state. It should probably go to the county or city. As we built Interstate 215, it is now a state highway and should go to the state to be maintained and built out. Is that what I understand?

**Tom Greco:**

Absolutely.

**Chairman Carrillo:**

Regarding Assemblywoman Swank's question about toll roads, can you provide the information to all of the Committee members? Can the public have a say as to whether the road should be relinquished?

**Tom Greco:**

With each relinquishment offered by the state, there is a negotiation process. Only if the local agency agrees that the relinquishment is something they want to do can a resolution be offered by the agency's board. At that board meeting, the public is made aware and input is a valuable element of the decision.

**Assemblywoman Carlton:**

If I understand correctly, by allowing a piece of legislation like this to go forward and allow these reciprocal relinquishments, that would abdicate the state's authority in approving toll roads? Ultimately, it does lie within the state's jurisdiction to designate a toll road. These relinquishments have nothing to do with actual designation. Those would be made by local agencies.

**Tom Greco:**

That is an accurate statement. The exchange or relinquishment of roads should not impact the ability to designate a road as a toll road.

**Assemblywoman Carlton:**

I am not looking for the ability to designate a toll road; I am looking for obstacles to designate. As we work through A.B. 18, I want to make sure these simple agreements between the state and local agency are not taken as a checkmark for "yes, we agree this could become a toll road." I want to make sure we are not abdicating local authority on that.

**Tom Greco:**

It is not the intent of the amendment to A.B. 18, or working group developing guidelines to restrict or alter toll roads.

**Assemblywoman Spiegel:**

Do local governments have the right to put in toll roads?

**Tom Greco:**

I am not in a position to speak for local agencies. Toll roads are not meant to be an issue in A.B. 18.

**Assemblywoman Spiegel:**

I understand it is not legislative intent for there to be any toll roads as part of A.B. 18.

**Tom Greco:**

That is an accurate statement.

**Chairman Carrillo:**

What is the process for relinquishments? Has this process been outlined yet?

**Tom Greco:**

The existing process is initiated by the Nevada Department of Transportation staff. Staff annually evaluates the status, needs, and changes in function of every roadway that is an NDOT system roadway. Based on that evaluation there is a listing ([Exhibit E](#)) by district and city of all of the roadways that NDOT staff believe would best function as local roads. Presently there are 600 miles of roadway being recommended as relinquishment from the state to local agencies. Likewise, we are working with local agencies to develop a list, which is statewide by district and county, of roadways that the local agencies believe would be better suited as a state-designated route. That is more than 200 miles. The previous process was to begin negotiations between our district staff and the local agency. Assembly Bill 18 and the amendment to it will better define the process. The process will be a consensus effort by NDOT staff, a team of 25 people that includes Nevada Association of Counties (NACO), Nevada League of Cities and Municipalities (NLCM), members of the Statewide Transportation Technical Advisory Committee (STTAC), and anybody else that wants to be involved in that process. The group started meeting in October 2012. Meetings have been held every other week by phone and in workshops in each of the three districts. The goal of the group is to build a road relinquishment guidebook that will give better definition to the process.

**Assemblyman Anderson:**

If we take a road such as the I-215 and put that road into the state's hands to manage, maintain, and complete, what are the cost differences associated with the county doing those construction projects versus the state? Are there different federal guidelines?

**Tom Greco:**

There are different standards. There are aspects of I-215 that do not meet the Federal Highway Administration (FHWA) regulations and guidelines. When NDOT accepts the relinquishment of I-215, it needs to meet all of the standards. That might be entirely NDOT's effort and money to do that or negotiated as part of the county's responsibility. The value of that road, traded with a dozen local streets that are now state routes that should be relinquished to the county, might be an option.

**Assemblyman Anderson:**

If a county has a lot of unfinished egress and ingress and relinquishes the road to the state, what happens? The work was originally done by the county

because they wanted to get the work done quickly. Does it become a much more expensive project because we have different standards we have to meet? Does that lengthen the project even further?

**Tom Greco:**

The FHWA is very forgiving and willing to work with issues. If that route belonged to the state and is designated an interstate, our first step is to study what is in place, what meets standards, and what does not meet standards. The next step would be to develop a plan, a schedule, and dollar estimate of what needs to be done to bring that road up to interstate standards. If the road were relinquished to the state, the FHWA would not expect NDOT to mitigate everything at once. It would be a longer process as long as we identify a plan to do that. Would that expense be a burden on the state or county or a split? The guidebook we are developing would outline that procedure.

**Assemblyman Anderson:**

The other burden there would be the time constraint. There are bulldozers moving now and finishing the road. What happens at that time?

**Tom Greco:**

Language in *Nevada Revised Statutes* (NRS) 408.527 emphasizes it is a bilateral process. We will be continuing that focus. The majority of the western states' departments of transportation (DOT) make it a unilateral process, meaning that if the DOT designates a road relinquishment, that starts the process and it does not stop. The local agency would have the ability to register a need to negotiate with the DOT's board of directors. In most states, the process just moves along. We do not want nor expect to move in that direction.

**Assemblyman Healey:**

What is the impact on local law enforcement with relinquishment of roads?

**Tom Greco:**

The enforcement effort is with local agencies. City roads are Metro, county roads are Metro and interstates are NHP. One agency may make the initial action and bring the jurisdiction in to finish the investigation or citation. I will confirm this information and share it with the Committee.

**Chairman Carrillo:**

Are there any questions from the Committee members? [There were none.]  
Please go through the amendment you provided.

**Tom Greco:**

The blue printing is an addition. The light blue printing designates the amendment language our working group is proposing. Section 1, subsection 1 ([Exhibit C](#)), adds "and only upon the adoption of a resolution consenting thereto by a county or city." It is a redundant statement to the first sentence in subsection 1 that states, "Whenever the Department and the county or city concerned have entered into a written agreement providing . . . by legislative enactment." We are adding "written" agreement. The language is there and the local agencies are asking that we add it to the end as well.

The language in section 1, subsection 6, adds "absent any predisposed conditions." If a private owner offered a right of way to the State and the private owner stipulated that if it is not going to be used as a road, they get it back.

Section 1, subsection 6(a), adds "regardless of . . . property shall vest with the" county. Local agencies are asking that whatever right the state owns, it is relinquished with the road. If it is owned in fee or in easement only, the state relinquishes that.

Section 1, subsection 8, adds the last two words "in writing."

Section 1, subsection 10 is new in its entirety. It states that NDOT "shall develop a procedural document, in cooperation with local governments, which addresses the process by which roadway are relinquished. The Transportation Board shall approve this procedural document and any modifications thereof." The important words are "in cooperation with local governments." This is not only an NDOT effort.

**Assemblyman Hardy:**

There are federal match monies for NDOT for state projects. Washoe County and Clark County have some of the same opportunities. Do some of the rural roads that may be potential relinquishments have the same opportunities? Your state map ([Exhibit D](#)) has a large section desired for relinquishment where one is going to the state and the one adjacent to it is going back to local government.

**Tom Greco:**

Most of the federal money NDOT uses on maintenance of roadways is 95 percent federal and 5 percent state match. Federal money that goes to a regional transportation commission (RTC) is 95 percent federal and 5 percent state match. If a roadway is relinquished to the local agency, it is generally not eligible for federal or state money. The money would need to be local in order



to support the maintenance effort. That burden on funding is one of the issues we are developing with the working group. Part of the negotiations may be splitting the annual maintenance for a specified period, or in instances where the local agency does not own a snow plow or sweeper, offering NDOT staff and equipment to perform that element of the maintenance. Signing, striping, and cleaning up ditches would be a local effort. Part of the program that might be more successful is trading of the roadways. For example, if the local agency owns and operates a roadway that is growing, negotiating a trade for a road that is of lesser volume and demand would benefit the local agency. As part of the working group discussion of equity, if you exchange roads A and B, both eight miles long, but A has two lanes and B has one lane, would that not be equitable? There needs to be a way to measure, whether it is by volume, square feet of surface, or square feet of right of way to establish equity.

**Chairman Carrillo:**

With the downturn in the economy, why does NDOT want to relinquish these roads?

**Tom Greco:**

The program began in earnest in 1999. It has been moderately unsuccessful. We have relinquished 200 miles and accepted 25 miles. That does not measure well against the needs of placing the roadway in the ownership of the agency where it is most useful. The effort to boost the program to give it more support and make it more workable is paramount now because it is a priority and we want to get this program to be more productive. We recognize with the downturn in funding streams it is a difficult direction to go. If we could at least develop the guideline booklet and equitable exchanges, that would be more than what was done in previous decades.

**Assemblyman Hardy:**

When I was Director of Public Works, we had a number of issues on state highways within our community such as landscaping and sidewalks. Is the purpose of this bill to try to solve some of those issues?

**Tom Greco:**

Elements of roadways are more easily dealt with that would benefit the local agency including landscaping, setbacks, driveways, access, and speed limits. The drawback is when the local agency owns the road, they must fund the maintenance.

**Chairman Carrillo:**

Are there any questions from the Committee members? [There were none.] Is there any testimony in support in Carson City? [There was none.] Is there

any testimony in support in Las Vegas? [There was none.] Is there any opposition in Carson City?

**Jeff Fontaine, Executive Director, Nevada Association of Counties:**

We were originally neutral on this bill. With one of the proposed amendments, we are going to express our opposition. We have been working with the Nevada Department of Transportation on this bill for some time. We want to make sure road relinquishments are a bilateral process. The counties have to accept the road relinquishment and not just have the state relinquish that road to the county. This bill seems to preserve that requirement, but I am a little concerned about the proposed amendment in subsection 10. The amendment talks about a manual to be developed in cooperation with local governments addressing the process, to be adopted by the State Transportation Board. That moves away from the bilateral process when you have the State Transportation Board, whose interest here is relinquishing 600 miles of roads to local governments, adopt a manual that addresses how that is done.

The Nevada Department of Transportation, in their fact sheet, indicates they have relinquished 200 miles of roads already to local governments and have identified another 600 miles of roads. We understand the need to look at who owns what roads and align those roads that belong in the state highway system with NDOT and those that are local roads with local governments. Road transfers and relinquishments occur all the time. What is NDOT proposing in this bill that they cannot already do? On its face, it looks like it is adding language and clarifying some of the things they are already doing.

**Chairman Carrillo:**

Are there any questions from the Committee members? [There were none.] Is there any opposition in Las Vegas? [There was none.] Is there any neutral in Carson City?

**Wes Henderson, Executive Director, Nevada League of Cities and Municipalities:**

We were coming in support of this bill, but we do have some concerns with the amendment. I do want to thank the Nevada Department of Transportation for working with the various stakeholders over the process to develop the language. We need more time to look at the amendment because we are concerned with subsection 10.

**Chairman Carrillo:**

Are there any neutral comments in Las Vegas? [There were none.] Is there any public comment for A.B. 18? [There was none.] We will close the hearing on A.B. 18. We will open the hearing on Assembly Bill 21.

**Assembly Bill 21: Revises provisions relating to public safety. (BDR 43-364)**

**Chuck Reider, P.E., Chief Safety Engineer, Safety Engineering Division – C816,  
Department of Transportation:**

Both parts of Assembly Bill 21 ([Exhibit F](#)) are housekeeping to clarify existing practices. In September of 2012, the Departments of Transportation and Public Safety were informally notified by the National Highway Traffic Safety Administration (NHTSA) that Nevada's open container statute, *Nevada Revised Statutes* (NRS) 484B.150 was not in compliance with the federal open container law requirements under 23 U.S.C. § 154 and its implementing regulations at 23 CFR Part 1270. [Read from written testimony ([Exhibit F](#)).] The rest of my testimony is more detail from NHTSA on why they believe we are not compliant, and after A.B. 21 is passed, what we would have to do as a follow-up. In section 1, NHTSA's interpretation and concern is that Nevada's current law is not specific about the driver not being allowed to drink. We have introduced new language to make it more specific that the driver is not permitted to have an open container.

The second part of the bill is the crash-reporting clarification. The Nevada Department of Transportation is interested in this because my office uses crash-reporting data for determining where we should target our resources. In 2001, the Department of Motor Vehicles (DMV) and Department of Public Safety (DPS) were separated into two departments. That separation was not reflected in statute. When I read the statute, it was unclear to me which department was responsible for which parts of the crash-reporting statute. Leaving the responsible department undefined could expose Nevada to risk. This clarification would eliminate that.

The \$750 minimum reporting is quite low in today's standards. People I spoke to requested that dollar amount be increased to \$1,500. That minimum threshold would be included on the law enforcement reporting side. We are adding the term "electronic" to reflect that most crash reports are collected electronically.

In section 4 we add the Department of Public Safety to describe that NRS 484E.110 is under the purview of the Department of Public Safety.

The Department of Motor Vehicles expressed interest in receiving reports electronically. There have been technical difficulties in the past acquiring law enforcement reports.

**Assemblywoman Flores:**

How did you come up with the dollar amount changing from \$750 to \$1,500? How would folks go about making the determination that damage is now valued at \$750 as opposed to \$1,500 that you are now going to take into consideration to produce this report? If there is not a report issued, and the threshold is being elevated and the officer does not feel there is damage in the amount of \$1,500, where is that going to put the consumer in terms of being able to work their insurance company and folks that require police reports in order to get reimbursed?

**Chuck Reider:**

The \$750 was in statute. How do we determine what that right number is? I have heard many discussions regarding when it is appropriate for law enforcement to take a crash report.

**Chairman Carrillo:**

Are there any questions from the Committee members? [There were none.] What is the reason behind section 2, subsection 2, line 25 pertaining to the purpose of changing from law enforcement to police officer?

**Chuck Reider:**

I do not have the answer to that.

**Chairman Carrillo:**

Can you please get that information to the Committee?

**Chuck Reider:**

Absolutely.

**Assemblywoman Carlton:**

When you read the beginning of the bill where it gets into the actual driver and the open container, it is confusing. The section does not apply to the passenger and it says, "living quarters of a house coach or house trailer." You have a couple on the road in a recreational vehicle. The wife and a couple of friends are in the back having drinks, but the husband is driving and is not having a drink. Are they breaking the open container law?

**Chuck Reider:**

In my opinion, no. There is a proposed amendment that might make it a little clearer ([Exhibit G](#)).

**Chairman Carrillo:**

Are there any questions from the Committee members? [There were none.]  
I would like to discuss the amendment to A.B. 21 that you provided as well.

**Chuck Reider:**

The purple indicates what has been stricken from the original bill as introduced today. The blue is new language in A.B. 21 and the green is new language that has been discussed with NHTSA to clarify their concern.

**Chairman Carrillo:**

Are there any questions from the Committee members? [There were none.]

**Chuck Reider:**

The draft on crash reporting illustrates the confusion that can occur. When the bill was introduced, it made some fundamental changes on how crash reporting was to be done. It is not the intent of this bill to assign new duties to the Department of Public Safety (DPS). The proposed amendment brings it back into the original intent of A.B. 21. The green is new language. *Nevada Revised Statutes* 484E.070 defines the things that the Department of Motor Vehicles is responsible for. In section 2, we are adding Department of Motor Vehicles to the language.

In section 5, we did strike the language, "The Department of Public Safety shall prepare and upon request supply to police departments, sheriffs and other appropriate agencies or persons", to clear it up. In the original A.B. 21 language that was stricken in purple, was saying the Department of Public Safety would prepare forms regarding NRS 484E.070. The Department does not do that now and the intention of the bill was not to have them start doing that. The Department of Motor Vehicles takes care of NRS 484E.070 and the Department of Public Safety takes care of NRS 484E.110.

In the previous statute, there was no electronic reporting. We want to put in statute there is actually a repository for electronic reports. It is the Nevada Citation and Accident Tracking System (NCATS).

**Chairman Carrillo:**

Are there comments in support of A.B. 21?

**Chuck Callaway, representing Las Vegas Metropolitan Police Department:**

The Las Vegas Metropolitan Police Department supports Assembly Bill 21. We agree it is good to clean up some of that language. Assemblywoman Flores asked how the officer at the scene might know if a vehicle rises to a level of over \$750 in damage. Our department policy lists several things for the officer

to look for. Police officers are not mechanics, but we look at things such as: Is at least one-fourth of the vehicle suffering from scratches or paint transfer damage? Are the bumpers of the vehicle pushed in to a degree that it would require significant work to straighten them out? Are the wheels out of alignment? Is this a non-injury accident? It is our policy that we take a report and investigate any accident we respond to involving an injury.

**Assemblywoman Flores:**

To a certain extent, you are still asking your officers to be on-the-scene mechanics or make that assessment. The language in this bill is an "or" so it does not limit it to just \$1,500 damage. What about other agencies who may not have that policy? If you ever want to change that policy, you could say that state law says, "unless we make an assessment there is bodily damage of less than \$1,500." I am concerned about the \$1,500 threshold and the language that refers to property or bodily damage.

**Chuck Callaway:**

On average, we handle about 25,000 traffic accidents a year. We have about 150 officers assigned to that section. That covers all shifts: day shift, swing shift, and graveyard shift. This takes into account days off, vacation, or sick leave. Our resources are strapped. Our agency is currently down 355 police officers so there may come a time when we will not have the ability to respond to noninjury accidents that fall underneath that threshold. We would ask citizens that have minor vehicle accidents to contact their insurance company and report through the insurance company.

**Eric Spratley, representing Washoe County Sheriff's Office:**

I am here in support of Assembly Bill 21. In looking at NRS 484E.110, where law enforcement is required to investigate a vehicle accident, it looks like it was last changed in 1987; if that was the case for that number threshold, a vehicle costs about three times more today, and I am sure it is the same with repairs. It is very taxing for us to have to go to all of these accident sites. The \$750 threshold is low. The proposed \$1,500 threshold seems arbitrary and it might come back that it was just an arbitrary number. At least that gets us to a point where we can see a scratch on a bumper and say that is looks below the \$1,500 threshold. Paint and some scratches on a rear bumper may easily take \$500 to \$800 to repair.

**Assemblywoman Flores:**

You make that assessment after you arrive on the scene. Walk me through the assessment process. How much time are you saving by going to the scene and saying, "It is a dent, I am leaving," as opposed to saying, "Let me write you the report?"

**Eric Spratley:**

On a minor accident, we are saving maybe 30 minutes at the scene and 30 minutes at the office. We would offer a desk report or online report for such a thing. If the citizens in Washoe County demanded a report, we would stay and take the report. This gives us the option if we have calls pending to say, this looks to be below the \$1,500 threshold; here are some other reporting options. If they decide they did not want us to take the report, we could leave and handle other calls in our jurisdiction.

**Chuck Callaway:**

The average time from when the Las Vegas Metropolitan officer arrives on the accident scene until the report is completed is 71 minutes. When the citizen calls in and says they were involved in an accident, the dispatcher will ask them a series of questions: is anyone injured and how many vehicles were involved? If it appears it is minor and there are no injuries, the dispatcher will tell the citizen it will be a 30- to 45-minute wait for an officer to respond. Often the citizen will say, "Do I have to wait?" The dispatcher will inform them, "No, you can exchange information with the other driver and do a station report or contact your insurance company." Many times the citizen chooses not to wait for the officer to respond when it is a minor accident.

**Robert Roshak, Executive Director, Nevada Sheriffs' and Chiefs' Association:**

We support the bill. If there should be a friendly amendment changing the damage value, we would support that.

**Chairman Carrillo:**

Are there any others in support of A.B. 21 in Carson City? [There were none.] Are there any in Las Vegas who wish to testify in support of A.B. 21? [There were none.] Are there any in Carson City who wish to testify in opposition to A.B. 21?

**Mark C. Wenzel, representing the Nevada Justice Association:**

We oppose A.B. 21 for the reasons that were pointed out and discussed regarding the reporting requirements. We would agree with A.B. 21 if the reporting requirements stayed the same at \$750 as opposed to going to \$1,500. On behalf of the Nevada Justice Association, we believe the police officers reporting to the accident scene are the most objective people at an accident scene. They are also the people in the best position to gather all of the information, as well as to take statements from witnesses. Without the police officers and their reports, any time-saving mentioned previously could quickly be eaten up in a litigation setting. These are minor motor vehicle accidents, but if there was a report made at the time when people's memories were the freshest, we believe that would be the best course for the people we represent.

**Lisa Foster, representing Allstate Corporation and American Family Insurance Co.:**

I am representing Allstate Insurance and American Family Insurance. My clients are fine with much of A.B. 21, but they are opposed to section 2, where the threshold for filing reports has been changed. Insurers rely on these reports and this change will decrease the number of reports. Police reports help insurers decide who is at fault. Lack of a report can slow this process down, thus increasing the time involved in making the claims payment. In addition to the accident information, the report details all of the passengers in the vehicle and other vehicles that are involved. This gives a fairer and more accurate determination for all parties involved in the accident.

**Assemblywoman Carlton:**

What would be a good number? You must admit, \$750 is low.

**Lisa Foster:**

I cannot give you a good number. I can tell you my clients are concerned about tinkering with it at all. I think they know it is hard for a person in the accident to determine if a police report should be filed. I hate to throw a figure out there. My clients were afraid to see it changed at all.

**Assemblywoman Carlton:**

There is also the other side of the coin where you have the "oops" in a parking lot. One mom backs into another and you have a dent. Do they both have to sit there with their kids and their ice cream in their cars waiting 45 minutes for a police officer to show up? Are we sure we are not afraid people are going to make claims that you may not be able to substantiate in some way? If they give you the information about the other person and sign some sort of affidavit, is it because you are not going to get a true claims reading on that person? Alternatively, is it because you are afraid someone is going to make a false claim?

**Lisa Foster:**

Assemblywoman Carlton, if it is all right with you, I see other folks at the table are ready to answer.

**Robert L. Compan, representing Farmers Group, Inc.:**

Working claims litigation, the police are not required to go to the scene of an accident on private property. Small dings on the roadways, a \$250 accident, can result in \$30 worth of bodily injury. It is hard to put a number on what threshold should be met. I have seen very minor accidents under the \$750 threshold where there has not been an accident report filed and we have not had any knowledge. We will get a demand letter from someone representing



the noninjury accident asking for \$10,000 to \$20,000 of bodily injury that was sustained in the accident. We were unable to do due process and diligence based on our investigation to determine if the injury was valid or not.

**Assemblywoman Carlton:**

The police do not have to show up now. What are the insurance company's motives?

**Robert L. Compan:**

They do not have to show up where? On the roadways? They have to show up if it is a \$750 accident to write a report. If I call 911 and am reporting an injury accident, I think whether the threshold is met or not, they will be there.

**Assemblywoman Carlton:**

I am thinking it is probably claims experience. I just do not want to see police officers wasting their time.

**Mark C. Wenzel:**

We want the facts to be presented and preserved when they are the freshest, whether they are in favor of one insurance company over the other as far as who was at fault, whether there was an injury, and who the independent witnesses were, because memories fade over time. If we can preserve things as close to the accident time as possible, that is all that we endeavor to achieve by keeping that threshold at the lower figure.

**Chairman Carrillo:**

Is there any opposition in Carson City or Las Vegas? [There was none.]  
Is there anybody neutral in Carson City?

**Tom Lawson, Lieutenant, Headquarters, Nevada Highway Patrol:**

We support different parts of A.B. 21. We support the language in section 1 reducing the accessibility of alcohol to drivers. We support the amendment in section 2 to take the Department of Motor Vehicles out of the report creation business. Our interest is in *Nevada Revised Statutes* 484E.110. We support the language in section 3 and all of the references to include electronic submission of reports.

We are neutral on section 4, but have a comment regarding the last sentence in subsection 1 as written: "The data collected by the Department of Public Safety pursuant to this subsection shall be submitted for recording in the Nevada Citation and Accident Tracking System central electronic crash data repository." The way that amendment is written the data entry element could be transferred to the Department of Public Safety. They handle approximately 1,500 crashes

a year and have one full-time equivalent doing it all. If that responsibility were to transfer to us, we do not have that full-time equivalent available to enter those 1,500 crashes. There is ongoing discussion with NDOT to reach an agreement to meet the intent of this revision without transferring the responsibility to DPS. We will continue that ongoing discussion to resolve our concern. The intent of that revision is to ensure that reports get into the NCATS repository.

We are neutral to the dollar changes.

**Chairman Carrillo:**

Do you have the same training to determine if certain damages are set forth?

**Tom Lawson:**

We teach our cadets at the academy to assess the damage of a vehicle. For reporting purposes, we have to assess it, but we use a surface area determination for the State of Nevada Traffic Accident Report Form (Form 5). We are not mechanics, we are not appraisers, and we do not have specific training to determine a dollar figure from damage. All of our investigators have a minimum of 120 hours of accident investigation training through the Nevada Highway Patrol Academy and through Peace Officer Standards and Training (POST). We do talk about that. If the bumper is pushed back touching an area, you need to look at not just the contact damage, but also the damage over the entire vehicle. If the bumper is pushed back into the fender, the fender may be pushed into the door, and the door may be pushed back into the rear fender. With all of that induced damage, you cannot just look at the area of impact on the vehicle. Overall, our policy is that if we respond to the scene, we should probably take a report there. If we refer a report to the desk as an office report, most likely Party One will come in and point the finger at Party Two as being at fault. Then Party Two will come in and point the finger at Party One as being at fault. Now we have two reports of the same incident, the fingers pointing in opposite directions, and the insurance companies do not know who should ultimately be paying the bill.

Section 4, subsection 5, states "as soon as practicable after receiving a report pursuant to this section, the Department of Public Safety shall submit a copy of the report to the Department of Motor Vehicles." The initial language in subsection 1 says the report is to be provided to DPS. Now it is saying that DPS must make a copy of that report and provide it to DMV. This is an additional labor cost with the copying and printing cost. Our comment is that DPS may not be the best way to get the report to DMV. The Department of Motor Vehicles has a stake in the data and we would agree that they should have a copy of the report. Under the NCATS repository model and the

modernization project, one of the ultimate goals is that the data will be transmitted electronically from the NCATS repository to DMV. That is still under development. It will probably be one of the last elements implemented in the NCATS modernization project.

**Traci Pearl, CPM, Division Administrator, State of Nevada, Department of Public Safety:**

We are a sister agency to the Nevada Highway Patrol (NHP). We work closely with the Nevada Department of Transportation, NHP, Department of Motor Vehicles and other parties that put this bill together. We are in agreement with everything on the condition of the comments submitted by NHP.

**Assemblyman Hambrick:**

Are your reports completed by hand or entered into a computer?

**Tom Lawson:**

The majority of our reports are entered electronically in the field via a handheld data collector and then transferred at the office into the local database and ultimately to the NCATS repository. In the rare situation where the handheld is not working, the data is collected by hand in the field and then entered at the office.

**Assemblyman Hambrick:**

Whether it is Nevada Highway Patrol, Clark County, or Washoe County, if there is a single email address for all law enforcement to send these reports, it might solve the problem.

**Chairman Carrillo:**

Is there any public comment about A.B. 21? [There was none.] We will close the hearing on A.B. 21. Is there any public comment? [There was none.]

The meeting was adjourned [at 5:12 p.m.].

RESPECTFULLY SUBMITTED:

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Jacque Lethbridge  
Committee Secretary

APPROVED BY:

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Assemblyman Richard Carrillo, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Transportation

**Date:** February 19, 2013

**Time of Meeting:** 3:19 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 18	C	Tom Greco, P.E., F.ASCE, Assistant Director, Planning, Department of Transportation	Proposed Amendment
A.B. 18	D	Tom Greco, P.E. F.ASCE, Assistant Director, Planning, Department of Transportation	Relinquishment Maps
A.B. 18	E	Tom Greco, P.E. F.ASCE, Assistant Director, Planning, Department of Transportation	Pending Relinquishments State to Local by District and Entity
A.B. 21	F	Chuck Reider, P.E., Chief Safety Engineer, Safety Engineering Division-C816, Department of Transportation	Prepared Testimony
A.B. 21	G	Chuck Reider, P.E., Chief Safety Engineer, Safety Engineering Division-C816, Department of Transportation	Proposed Amendment